



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 15 2005

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA GA 30309

In re Application of:  
Phillips et al.  
Serial No.: 09/735,363  
Filed: December 12, 2000  
Attorney Docket No.: 02811-0181

DECISION ON PETITION TO  
WITHDRAW THE HOLDING  
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on September 20, 2004, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status. The delay in responding to this petition is regretted, however, it has only just been brought to the attention of the deciding authority.

A review of the file history shows that the Office mailed an Office action, setting a three-month statutory time period for reply, to applicants on December 18, 2003. On September 17, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants' state that the Office action of December 18, 2003 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment mailed September 17, 2004, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Jasemine C. Chambers  
Director, Technology Center 1600